



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 2
290 BROADWAY
NEW YORK, NY 10007-1866

OCT 18 2013

Mr. Robert Dobruskin
Department of City Planning
Environmental Assessment and Review Division
22 Reade Street, 4E
New York, New York 10007

Dear Mr. Dobruskin:

In accordance with our responsibilities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act, the U.S. Environmental Protection Agency (EPA) has reviewed the Halletts Point Rezoning Final Environmental Impact Statement (FEIS), CEQ #20130142. Please find our comments below. Transmittal of these comments was delayed due to the government shutdown, October 1-16, 2013.

Background:

The FEIS was prepared by the New York City Planning Commission who is serving as the lead agency for this project. The "Applicant" is Halletts A Development Company, LLC. The Applicant is requesting discretionary approvals that will allow for mixed-use development along the East River in Halletts Point, Astoria, Queens. The New York City Housing Authority (NYCHA) is the co-applicant for a portion of the discretionary approvals being sought.

The purpose of the proposed project is to create market rate and affordable housing units, ground-level retail space and publicly accessible waterfront open space. One of the stated goals of the project is to transform a largely underutilized waterfront property into a "new, enliven mixed-use development." The project will support the city's efforts to provide additional market rate and affordable housing.

The development project includes eight building sites, all of which are new construction. Seven of the buildings would be developed as part of the Applicant's proposal. Buildings 1 – 5 are being sited along the East River waterfront and buildings 6 and 7 will be sited on the Astoria House campus, on land sold to the Applicant by NYCHA. Building 8 would not be developed by the applicant but is included in the EIS to facilitate development at a future time. It is expected that Building 8 would be developed in the future by an entity designated by NYCHA as a result of a future request for proposals.

Approximately 2.35 acres of publicly accessible waterfront open space would be created, including a waterfront esplanade which would run the length of the site's waterfront. The esplanade would connect Halletts Cove Playground on the south to Whitey Ford Field on the north, creating a continuous view corridor between the existing open spaces.

Comments:

The majority of the comments raised in our comment letter on the Draft EIS were sufficiently addressed, however there are three areas where EPA still feels greater detail should be provided, or where we disagree with the assertions made in the FEIS. These issues include Children's Health, the Tree Planting Waiver, and Environmental Justice.

Children's Health

EPA commented that the DEIS did not include a dedicated section addressing Children's Health, nor was the relevant information sufficiently included elsewhere in the document. We further stated that a dedicated Children's Health section should be included in the FEIS and the evaluation should be of greater scope and detail than that which was included in the DEIS. In response to this comment, the applicant stated, in part, that assessments in the areas of Air Quality, Noise and Public Health showed "no significant adverse impacts as a result of the proposed project. As such, the proposed project would not result in any environmental health and safety risks that may disproportionately affect children."

Due to the proximity of children to the construction site, EPA believes that a dedicated children's health discussion is warranted even if overall impacts do not rise to a level of significance. Analysis and disclosure of potential effects under NEPA is necessary because some physiological and behavioral traits of children render them more susceptible and vulnerable than adults to environmental health and safety risks. Children may have higher exposure levels to contaminants because they generally eat more food, drink more water, and have higher inhalation rates relative to their body size. Also, children's normal activities, such as putting their hands in their mouths or playing on the ground, can result in higher exposures to contaminants as compared with adults. In addition, a child's neurological, immunological, digestive, and other bodily systems are also potentially more susceptible to exposure-related health effects. It has been well established that lower levels of exposure can have negative toxicological effects in children as compared to adults, and childhood exposure to contaminants can have long-term negative health effects.

Tree Planting Waiver

In EPA's July 23, 2013 comments on the DEIS, we disagreed with the decision to request the Mayoral Override and with the assertion that the elimination of the requirement would not affect the EIS analysis. Increasing the amount of street trees within the Large Scale General Development Area (LSGDA) would help mitigate a number of the impacts associated with the project including air pollution from the construction phase of the project as well as emissions associated with the expected increase in traffic once the project is completed. Additionally, a perimeter of same age trees surrounding both the new development and the existing Astoria Houses will help visually unite the two properties.

In response to this comment, the applicant stated, in part, that the "project would not result in any significant adverse stationary sources, mobile sources, or construction air quality impacts, and therefore no mitigation for air quality is warranted." Although the impacts do not rise to the level of significance, there will still be impacts which can be offset by the planting of trees as well as other benefits, and therefore, EPA remains in support of the street tree planting requirements.

Environmental Justice

EPA highlighted a number of Environmental Justice concerns relating to the existing Halletts Point residents that could result in increased impacts such as construction-related traffic congestion. Additionally, EPA also raised the concern that current development plans will not achieve a sufficient level of urban integration between the new construction and the existing Astoria Houses campus as is claimed in the DEIS.

We acknowledge the value in existing design elements aimed at connecting the two properties, including the replacement of the railing along the Halletts Cove Esplanade, the reconnection of Astoria boulevard, and the connection of Whitey Ford Field and Halletts Point Playground. However, we believe there are lessons to be learned from previous projects throughout the city (including Trump City and Long Island City) that were similar in nature and did not result in the level of integration that was expected at the design stage. Anecdotal evidence has found that the original residents do not utilize the enhanced amenities to the levels expected due to perceived separations between the two communities. We continue to stress the value of a fully integrated community and encourage the applicant reach out to other similar development projects to determine why there are perceived barriers and what actions can be taken to overcome these barriers at Halletts Point.

Thank you for the opportunity to comment on the FEIS for the Halletts Point Rezoning. Our comments on the FEIS contained in this letter are intended to help the City Planning Commission and NYCHA provide useful information that will ultimately inform local, state and federal decision-making and review related to land use and impacts. Should you have any questions regarding the comments and concerns detailed in this letter, please feel free to contact Stephanie Lamster of my staff at 212-637-3465.

Sincerely,



Judy-Ann Mitchell, Chief
Sustainability and Multimedia Programs Branch
Clean Air and Sustainability Division